

# **THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES**

April 5, 2004

A regular meeting of the Board of Examiners of Psychology was held at the Division of Occupations, 911 Leawood Drive, Frankfort, Kentucky on April 5, 2004.

## **MEMBERS PRESENT**

Tracy Dwight Eells, Ph.D., Chair  
Henry S. Davis, Ph.D., Vice Chair  
Diane Sobel, Ph.D.  
Richard Applegate, M.A.  
Courtney N. Spear, M.A.  
Barbara Kay Jefferson, Ph.D.  
Andrew B. Jones, Jr., Ph.D.  
Ruth Bauman

## **OCCUPATIONS & PROFESSIONS STAFF**

Kristen M. Webb, Executive Director  
Wendy Satterly, Board Administrator

## **OTHERS PRESENT**

Mark Brengelman, Assistant Attorney General

## **MEMBERS ABSENT**

S. Abby Shapiro, Ph.D.

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## **CALL TO ORDER**

Tracy Dwight Eells, M.B.A., Ph.D., Chair called the meeting to order at 10:10 a.m.

## **MINUTES**

The minutes of the March 1, 2004, meeting, were called to the attention of the members. A motion was made by Dr. Davis to approve the minutes, as amended. Motion, seconded by Dr. Jefferson, carried.

## **FINANCIAL STATEMENT**

The Board reviewed the financial statement indicating a balance of \$126,382.70 as of March 31, 2004. A motion was made by Dr. Davis to accept the financial statement. Motion, seconded by Dr. Sobel, carried.

## **COMPLAINTS**

Case 02-20/03-23 - A motion was made by Dr. Sobel to accept the recommendation of the Complaint Screening Committee to proceed with the previously filed Formal Complaint and Notice of Administrative Hearing in the matter. Motion, seconded by Dr. Jefferson, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

Case 03-28 - The Board reviewed an investigative report in this matter upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Jefferson, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

Case 04-01 - The Board reviewed a Board initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Jefferson to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Sobel, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

Case 04-04 - The Board reviewed a Board initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Jefferson to send a private admonishment letter to the psychologist in this matter. Motion, seconded by Dr. Sobel, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

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Case 04-06 - The Board reviewed a Board initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to file a Formal Complaint and Notice of Administrative Hearing in this matter. Motion, seconded by Dr. Jefferson, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

Case 04-08 - The Board reviewed a Board initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to open an investigation in this matter. Motion, seconded by Ms. Spear, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

Case 04-09 - The Board reviewed a Board initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Jefferson to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Jones, carried. Drs. Eells, Davis and Mr. Applegate recused from voting on the motion.

Case 04-12 - The Board reviewed information from the Alabama Board of Psychology regarding the application of a psychologist currently licensed in Kentucky upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to initiate a Board initiated complaint against the psychologist and ask for a response in this matter. Motion, seconded by Dr. Jones, carried.

Case - 04-13 - The Board reviewed a letter from a psychologist regarding a potential complaint against the psychologist. The Board requested that a complaint number be assigned for future reference.

**COMMITTEE REPORTS**

**CONTINUING EDUCATION COMMITTEE**

No Report

**EXAMINATION COMMITTEE**

The next oral exams are scheduled for Friday, June 25, 2004.

**SUPERVISION COMMITTEE**

No Report

**CREDENTIALS REVIEW COMMITTEE**

Dr. Sobel, presented for the Board's review, an application from a candidate for licensure as a psychological associate who had been licensed by the Board previously and was reapplying for licensure. Dr. Sobel stated that it appears from his application materials that he has been practicing under supervision of a licensed psychologist for a year without the proper credential from this Board. The Board requested that the Committee draft correspondence to this individual notifying him that his application will be deferred pending a written response in this matter.

**DISCIPLINED PSYCHOLOGISTS REPORT**

The Board reviewed a final supervisory report from Peggy Pack, Ph.D., supervisor for Todd F. Walker, Psy.D. and correspondence from Dr. Walker notifying the Board that his supervision under the terms of the Settlement Agreement entered into with the Board were complete and asking for the outstanding balance owed to the Board. A motion was made by Ms. Spear to accept the final supervisory report and to send closing letters in this matter once the Board Liaison had met with Dr. Walker and upon receipt of payment of the remaining fine **MINUTES**

to the Board.

Mr. Applegate informed the Board he had received a request from Rollin Rhodes, Ph.D., supervisor for Donna Nichols-Rogers, Psy.D., for a copy of the competency examination completed for Dr. Nichols-Rogers. The Board, by consensus, approved Dr. Rhodes request and asked that Mr. Applegate draft correspondence for the Board in this matter

Correspondence was reviewed from Carmen Stoller Frederick notifying the Board that she had taken a workshop on child custody evaluations sponsored by the Kentucky Psychological Association and asking if this course would satisfy the continuing education requirement in the Settlement Agreement entered into with the Board. The Board requested that staff draft correspondence to Ms. Frederick stating that this would satisfy the requirement of the Settlement Agreement.

#### **EXPIRED LICENSURE/CERTIFICATE REPORT**

The Board reviewed a list of licensed psychologists/certified psychologists whose license/certificates had expired and had not been renewed within the ninety (90) day grace period. A motion was made by Ms. Spear to send a "certified letter" to each individual notifying them that their license/certificate was being cancelled and that in order to be reinstated they would need to submit the appropriate renewal fee plus a penalty fee of \$100. Motion, seconded by Mr. Applegate, carried.

#### **OLD BUSINESS**

The Board reviewed and noted comments from Robert J. Illback, Psy.D. regarding the revision of the regulations.

The Board reviewed a draft Opinion and Declaratory Ruling Regarding 202A Evaluations Conducted by Licensed Psychological Associates and Temporary Licensed Psychologists. A motion was made by Dr. Davis to approved the draft with recommended changes, and place on the Board's web page. Motion, seconded by Dr. Sobel, carried with Ms. Spear voting in the negative.

The Board reviewed information presented by Kristen Webb regarding criminal history background checks for psychologists. The Board, by consensus, deferred the matter for discussion at the next Board meeting to be held on May 3, 2004.

The response from Dr. Eells on behalf of the Board to correspondence from Arthur K. Shechet, Ph.D. was reviewed and noted by the Board.

The response from Dr. Eells on behalf of the Board to email from Andrew L. Jensen, M.A. was reviewed and noted by the Board.

#### **NEW BUSINESS**

The Board discussed their annual retreat plans. A motion was made by Dr. Davis to have the annual Board retreat on July 15 and 16, 2004, and authorize staff to check with the availability of holding it at one of the state parks. Motion, seconded by Ms. Spear, carried.

Discussion on the latest Board newsletter was deferred until the meeting to be held on May 3, 2004.

Review and discussion of ASBBP call for nomination for the Board of Directors, Fellows, and Awards was deferred until the meeting to be held on May 3, 2004.

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Correspondence was reviewed from Tod Megibow, attorney at law, asking if a non-psychologist can make a diagnosis of borderline personality disorder, or if this is beyond his or her practice. The Board requested that Mr. Brengelman draft correspondence for the Board in this matter.

Email was reviewed from John A. James, Ph.D., Associate Professor with Spalding University requesting a breakdown of the EPPP scores for their students at the master's level and doctoral level. A motion was made by Ms. Spear to forward him a spreadsheet with the information requested excluding the names of the candidates and their graduation dates. Motion, seconded by Dr. Davis, carried.

A motion was made by Ms. Bauman to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Dr. Davis, carried.

The next scheduled Board meeting is to be held on Monday, May 3, 2004, at 10:00 a.m. at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

The meeting adjourned at 12:30 p.m.

Following the May 3, 2004, meeting, the Board hold a working session to draft revisions of the current regulations.

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Tracy D. Seels \_\_\_\_\_